amended at 19 Ill. 6823, effective May 9, 1995.

(B) Part 218: Organic Material Emission Standards and Limitations for the Chicago Area, Subpart F; Coating Operations, Sections 218.204 Emission Limitations, Subsection (n) Plastic Parts Coating: Automotive/Transportation and (o) Plastic Parts Coating: Business Machine, 218.205 Daily-Weighted Average Limitations, Subsection (g), and 218.207 Alternative Emission Limitations, Subsection (i), amended at 19 Ill. 6848, effective May 9, 1995.

(C) Part 219: Organic Material Emissions Standards and Limitations for the Metro-East Area, Subpart F; Coating Operations, Section 219.204 Emission Limitations, Subsection (m) Plastic Parts Coating: Automotive/Transportation and (n) Plastic Parts Coating: Business Machine, 219.205 Daily-Weighted Average Limitations, Subsection (f), and 219.207 Alternative Emission Limitations, Subsection (h), amended at 19 Ill. Reg. 6958, effective May 9, 1995.

[FR Doc. 95–26585 Filed 10–25–95; 8:45 am]

BILLING CODE 6560–50–P

40 CFR Part 52

[IL126–1–7031a; FRL–5299–8]

Approval and Promulgation of Implementation Plans; Illinois

AGENCY: Environmental Protection Agency.

ACTION: Direct final rule.

SUMMARY: On May 5, 1995, the State of Illinois submitted a State Implementation Plan (SIP) revision request to the United States Environmental Protection Agency (USEPA) for wood furniture coating operations as part of the State's 15 percent (%) Reasonable Further Progress (RFP) plan control measures for Volatile Organic Matter (VOM) emissions. A supplement to this request was submitted on May 26, 1995. USEPA made a finding of completeness in a letter dated July 13, 1995. A final approval action is being taken because the submittal meets all pertinent Federal requirements. The SIP revision modifies the source size applicability cut-off for wood furniture coating operation facilities located in the Chicago and Metro-East St. Louis ozone nonattainment areas from 100 to 25 tons of VOM emitted, or potential to emit, per year. The USEPA is publishing this action without prior proposal because USEPA views this action as a noncontroversial revision and anticipates no adverse comments. However, USEPA is publishing a separate document in this Federal Register publication, which constitutes a ''proposed approval'' of the requested SIP revision and clarifies that the rulemaking will not be deemed final if timely adverse or critical comments are filed. If USEPA receives comments adverse to or critical of the approval, USEPA will withdraw this approval before its effective date by publishing a subsequent Federal Register document which withdraws this final action. All public comments received will then be addressed in a subsequent rulemaking document. Please be aware that USEPA will institute another comment period on this action only if warranted by significant revisions to the rulemaking based on any comments received in response to today's action. Any parties interested in commenting on this action should do so at this time.

DATES: The direct final rule is effective on December 26, 1995, unless USEPA receives adverse or critical comments by November 27, 1995. If the effective date is delayed, timely notice will be published in the Federal Register.

ADDRESSES: Copies of the revision request and USEPA's analysis (Technical Support Document) are available for inspection at the following address: U.S. Environmental Protection Agency, Region 5, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, Illinois 60604. (It is recommended that you telephone Mark J. Palermo at (312) 886–6082 before visiting the Region 5 Office.)

Written comments should be sent to: J. Elmer Bortzer, Chief, Regulation Development Section, Regulation Development Branch (AR–18J), U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT: Mark J. Palermo at (312) 886–6082.

SUPPLEMENTARY INFORMATION:

I. Background

Section 182(b)(1) of the Clean Air Act (the Act) requires all moderate and above ozone nonattainment areas to achieve a 15% reduction of 1990 emissions of VOM by 1996 (VOM, as defined by the State of Illinois, is identical to ''volatile organic compounds'', as defined by USEPA). In Illinois, the Chicago area is classified as ''severe'' nonattainment for ozone, while the Metro-East area is classified as ''moderate'' nonattainment. As such, these areas are subject to the 15% RFP requirement.

On September 12, 1994, the Illinois Environmental Protection Agency (IEPA) filed the proposed amended wood furniture coating rule with the Illinois Pollution Control Board (Board). A public hearing on the rule was held on November 4, December 2, and December 16, 1994, in Chicago, Illinois, and on April 20, 1995, the Board adopted a Final Opinion and Order for the proposed amendment. The rule became effective on May 9, 1995, and it was published in the Illinois State register on May 19, 1995. The IEPA formally submitted the wood furniture coating rule to USEPA on May 5, 1995, as a revision to the Illinois SIP for ozone, and supplemental documentation to this revision was submitted on May 26, 1995. In doing so, IEPA believes that this SIP revision will insure that no increase in VOM emission for this source category occurs which negatively impacts Illinois' 15% RFP plan.

II. Analysis of State Submittal

The May 5, 1995 revision extends the applicability of Illinois' wood furniture coating rule requirements to those sources emitting, or having the potential to emit, 25 tons of VOM per year. The requirements were originally applicable only to those sources emitting or having a potential to emit 100 tons or more per year of VOM.

USEPA's Control Techniques Guideline (CTG) for wood furniture coating operations, which is to specify what Reasonably Available Control Technology (RACT) is for this source category, has yet to be finally published. (Section 182(b)(2) of the Act requires moderate and above ozone nonattainment areas to submit rules covering each post-1990 CTG source category which are equivalent to RACT as specified by each source category's CTG, by certain dates set forth by USEPA upon issuing each CTG.) The Illinois rule is considered to be interim RACT at this time; however, after the wood furniture coating CTG is issued by USEPA, Illinois will need to revise its rule, as necessary, in light of the new document, as required by Section 182(b)(2) of the Act.

III. Final Rulemaking Action

The USEPA has undertaken its analysis of the SIP revision request and has determined that this SIP revision request is approvable. However, after the final wood furniture coating CTG is issued by USEPA, Illinois will need to revise its wood furniture coating rule, as necessary, in light of the new document, as required by Section 182(b)(2) of the Act.

This rule, applicable to the Chicago and Metro-East St. Louis ozone

nonattainment areas, amends 35 Illinois Administrative Code section 218.208(b) and 219.208(b).

The USEPA is publishing this action without prior proposal because USEPA views this action as a noncontroversial revision and anticipates no adverse comments. However, USEPA is publishing a separate document in this Federal Register publication, which constitutes a ''proposed approval'' of the requested SIP revision and clarifies that the rulemaking will not be deemed final if timely adverse or critical comments are filed. The ''direct final'' approval shall be effective on December 26, 1995, unless USEPA receives adverse or critical comments by November 27, 1995. If USEPA receives comments adverse to or critical of the approval discussed above, USEPA will withdraw this approval before its effective date by publishing a subsequent Federal Register document which withdraws this final action. All public comments received will then be addressed in a subsequent rulemaking document. Please be aware that USEPA will institute another comment period on this action only if warranted by significant revisions to the rulemaking based on any comments received in response to today's action. Any parties interested in commenting on this action should do so at this time. If no such comments are received, USEPA hereby advises the public that this action will be effective on December 26, 1995.

This action has been classified as a Table 3 action by the Regional Administrator under the procedures published in the Federal Register on January 19, 1989 (54 FR 2214–2225), as revised by a July 10, 1995 memorandum from Mary Nichols, Assistant Administrator for Air and Radiation. The Office of Management and Budget has exempted this regulatory action from Executive Order 12866 review.

Nothing in this action should be construed as permitting, allowing or establishing a precedent for any future request for revision to any SIP. USEPA shall consider each request for revision to the SIP in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

Section 202 of the Unfunded Mandates Reform Act of 1995 (''Unfunded Mandates Act'') (signed into law on March 22, 1995) requires that the USEPA prepare a budgetary impact statement before promulgating a rule that includes a Federal mandate that may result in expenditure by State, local, and tribal governments, in aggregate, or by the private sector, of $100 million or more in any one year. Section 203 requires the USEPA to establish a plan for obtaining input from and informing, educating, and advising any small governments that may be significantly or uniquely affected by the rule.

Under section 205 of the Unfunded Mandates Act, the USEPA must identify and consider a reasonable number of regulatory alternatives before promulgating a rule for which a budgetary impact statement must be prepared. The USEPA must select from those alternatives the least costly, most cost-effective, or least burdensome alternative that achieves the objectives of the rule, unless the USEPA explains why this alternative is not selected or the selection of this alternative is inconsistent with law.

Because this final rule is estimated to result in the expenditure by State, local, and tribal governments or the private sector of less then $100 million in any one year, the USEPA has not prepared a budgetary impact statement or specifically addressed the selection of the least costly, most cost-effective, or least burdensome alternative. Because small governments will not be significantly or uniquely affected by this rule, the USEPA is not required to develop a plan with regard to small governments. This rule only approves the incorporation of existing state rules into the SIP. It imposes no additional requirements.

Under the Regulatory Flexibility Act, 5 U.S.C. 600 *et seq.*, USEPA must prepare a regulatory flexibility analysis assessing the impact of any proposed or final rule on small entities. (5 U.S.C. 603 and 604.) Alternatively, USEPA may certify that the rule will not have a significant impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and government entities with jurisdiction over populations of less than 50,000.

SIP approvals under section 110 and subchapter I, part D of the Clean Air Act do not create any new requirements, but simply approve requirements that the State is already imposing. Therefore, because the Federal SIP-approval does not impose any new requirements, I certify that it does not have a significant impact on any small entities affected. Moreover, due to the nature of the Federal-State relationship under the Act, preparation of a regulatory flexibility analysis would constitute Federal inquiry into the economic reasonableness of the State action. The Clean Air Act forbids USEPA to base its actions concerning SIPs on such grounds. *Union Electric Co.* v. *USEPA.*, 427 U.S. 246, 256–66 (S.Ct. 1976); 42 U.S.C. 7410(a)(2).

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by December 26, 1995. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See Section 307(b)(2)).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control,Incorporation by reference.

Dated: August 9, 1995.

Valdas V. Adamkus,

Regional Administrator.

For the reasons stated in the preamble, part 52, chapter I, title 40 of the Code of Federal Regulations is amended as follows:

PART 52—[AMENDED]

1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401–7671q.

Subpart O—Illinois

2. Section 52.720 is amended by adding paragraph (c)(115) to read as follows:

§ 52.720 Identification of plan.

* * * * *

(c) * * *

(115) On May 5, 1995, and May 26, 1995, the State submitted an amended coating rule which consisted of a tightened applicability cut-off level for wood furniture coating operations to the Ozone Control Plan for the Chicago and Metro-East St. Louis areas.

(i) Incorporation by reference. Illinois Administrative Code, Title 35: Environmental Protection, Subtitle B: Air Pollution, Chapter I: Pollution Control Board, Subchapter c: Emissions Standards and Limitations for Stationary Sources.

(A) Part 218: Organic Material Emission Standards and Limitations for the Chicago Area, Subpart F; Coating Operations, Sections 218.208 Exemptions from Emission Limitations, Subsection (b), amended at 19 Ill. Reg. 6848, effective May 9, 1995.

(B) Part 219: Organic Material Emissions Standards and Limitations for

the Metro-East Area, Subpart F; Coating Operations, Section 219.208 Exemptions from Emission Limitations, Subsection (b), amended at 19 Ill. Reg. 6958, effective May 9, 1995.

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BILLING CODE 6560–50–P

40 CFR Part 52

[WA8–1–5478a; WA36–1–6951a; FRL–5315–7]

Approval and Promulgation of Implementation Plans: Washington

AGENCY: Environmental Protection Agency.

ACTION: Direct final rule.

SUMMARY: In this action, the Environmental Protection Agency (EPA) approves PM–10 contingency measures for Seattle and Kent, Washington. At the same time, EPA is providing notice that the conditions required under the June 23, 1994 (59 FR 32370), conditional approval of the Seattle PM–10 attainment plan have been met.

DATES: This action is effective on December 26, 1995, unless adverse or critical comments are received by November 27, 1995. If the effective date is delayed, timely notice will be published in the Federal Register.

ADDRESSES: Written comments should be addressed to: Montel Livingston, SIP Manager, EPA Air & Radiation Branch (AT–082), Docket WA36–1–6951, 1200 Sixth Avenue, Seattle, Washington 98101.

Documents which are incorporated by reference are available for public inspection at the Air and Radiation Docket and Information Center, Environmental Protection Agency, 401 M Street, SW, Washington, D.C. 20460. Copies of material submitted to EPA may be examined during normal business hours at the following locations: EPA, Region 10, Air & Radiation Branch, 1200 Sixth Avenue (AT–082), Seattle, Washington 98101, and the Washington Department of Ecology, PO Box 47600, Olympia, Washington 98504.

FOR FURTHER INFORMATION CONTACT: George Lauderdale, EPA Air & Radiation Branch (AT–082), 1200 Sixth Avenue, Seattle, Washington 98101, (206) 553–6511.

SUPPLEMENTARY INFORMATION:

I. Background

The Seattle and Kent, Washington areas were designated nonattainment for PM–10 and classified as moderate under sections 107(d)(4)(B) and 188(a) of the Clean Air Act, by operation of law upon enactment of the Clean Air Act Amendments of 1990.[1] See 56 FR 56694 (Nov. 6, 1991) (official designation codified at 40 CFR 81.348). The air quality planning requirements for moderate PM–10 nonattainment areas are set out in subparts 1 and 4 of part D, title I of the Act. The EPA has issued a ''General Preamble'' describing EPA's preliminary views on how EPA intends to review SIP's and SIP revisions submitted under title I of the Act, including those State submittals containing moderate PM–10 nonattainment area SIP requirements (see generally 57 FR 13498 (April 16, 1992) and 57 FR 18070 (April 28, 1992)). Because EPA is describing its interpretations here only in broad terms, the reader should refer to the General Preamble for a more detailed discussion of the interpretations of title I advanced in this proposal and the supporting rationale. In this rulemaking action on the Washington moderate PM–10 SIP for the Seattle and Kent nonattainment areas, EPA is proposing to apply its interpretations, taking into consideration the specific factual issues presented. Additional information supporting EPA's action on these particular areas is available for inspection at the address indicated above.

Those States containing initial moderate PM–10 nonattainment areas (those areas designated nonattainment under section 107(d)(4)(B)) were required to submit attainment plans by November 15, 1991, with some provisions due at a later date. States with initial moderate PM–10 nonattainment areas were required to submit contingency measures by November 15, 1993 which become effective without further action by the State or EPA, upon a determination by EPA that the area has failed to achieve RFP or to attain the PM–10 NAAQS by the applicable statutory deadline (see section 172(c)(9) and 57 FR 13543–44).

Section 110(k) of the Act sets out provisions governing EPA's review of SIP submittals (see 57 FR 13565–13566). Section 110(k)(4) of the Act authorizes EPA to conditionally approve a plan revision based on a commitment by the State to adopt specific enforceable measures by a date certain, but not later than one year after the date of approval of the plan revision. EPA would then assess the approvability of the submittal after the State fulfilled its commitment. Previous EPA actions include approval of the Kent attainment area plan and conditional approval of the Seattle attainment area plan.

EPA conditionally approved the Seattle moderate area plan on June 23, 1994 (see 59 FR 32370). The conditional approval was based on the commitment, contained in the May 11, 1994, SIP submittal, by the Washington Department of Ecology (Ecology) to decrease the emission limits for point sources contributing to the PM–10 problem. During review of the November 15, 1991 SIP submittal for Seattle, EPA concluded that the plan needed specific enforceable emission limits for several point sources in the area. Emission contributions from those sources had been estimated in the plan at the actual level. Those actual emissions were unenforceable because the sources could emit additional pollution without violating any regulation. Washington's regulations in effect set higher emission limits than the facilities were actually emitting. Before EPA could fully approve the attainment plan, the attainment and three year maintenance demonstrations would have to be based on the allowable emissions from the point sources. On May 11, 1995, Ecology submitted these new emission limits and adequately demonstrated attainment and three year maintenance using the new limits. Progress in attaining the PM–10 standards in Seattle has been demonstrated by the area not exceeding the PM–10 24-hour health standard since 1989. The emission limits were developed, implemented and will be enforced by the Puget Sound Air Pollution Authority (PSAPCA) through Orders of Approval issued for each source by the agency.

In addition to the enforceable emission limits, Ecology also submitted on May 11, 1995 a contingency measure for the Seattle nonattainment area. As provided in section 172(c)(9) of the Act, all moderate nonattainment area SIP's that demonstrate attainment must include contingency measures (see generally 57 FR 13543–44). These measures were required to be submitted by November 15, 1993 for the initial moderate PM–10 nonattainment areas. These measures must take effect without further regulatory action by the State or EPA, upon a determination by EPA that the area has failed to make RFP or attain the PM–10 NAAQS by the applicable statutory deadline.

Ecology did not submit a contingency measure for Seattle by the November 15, 1993, statutory deadline. EPA sent a letter (dated January 13, 1994) to the

[1] The 1990 Amendments to the Clean Air Act made significant changes to the Act. See Pub. L. No. 101–549, 104 Stat. 2399. References herein are to the Clean Air Act, as amended (''the Act''). The Clean Air Act is codified, as amended, in the U.S. Code at 42 U.S.C. 7401, *et seq.*